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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/801,154	03/15/2004	Young-Soo Ahn	PC-1205C.DIV	2182
23717	7590	03/24/2006	EXAMINER	
LAW OFFICES OF BRIAN S STEINBERGER 101 BREVARD AVENUE COCOA, FL 32922			WU, XIAO MIN	
			ART UNIT	PAPER NUMBER
			2629	

DATE MAILED: 03/24/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/801,154

Applicant(s)

AHN ET AL.

Examiner

XIAO M. WU

Art Unit

2674

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 15 March 2004.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 8-12 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 8-12 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION***Double Patenting***

1. The nonstatutory double patenting rejection is based on a judicially created doctrine grounded in public policy (a policy reflected in the statute) so as to prevent the unjustified or improper timewise extension of the “right to exclude” granted by a patent and to prevent possible harassment by multiple assignees. A nonstatutory obviousness-type double patenting rejection is appropriate where the conflicting claims are not identical, but at least one examined application claim is not patentably distinct from the reference claim(s) because the examined application claim is either anticipated by, or would have been obvious over, the reference claim(s). See, e.g., *In re Berg*, 140 F.3d 1428, 46 USPQ2d 1226 (Fed. Cir. 1998); *In re Goodman*, 11 F.3d 1046, 29 USPQ2d 2010 (Fed. Cir. 1993); *In re Longi*, 759 F.2d 887, 225 USPQ 645 (Fed. Cir. 1985); *In re Van Ornum*, 686 F.2d 937, 214 USPQ 761 (CCPA 1982); *In re Vogel*, 422 F.2d 438, 164 USPQ 619 (CCPA 1970); and *In re Thorington*, 418 F.2d 528, 163 USPQ 644 (CCPA 1969).

A timely filed terminal disclaimer in compliance with 37 CFR 1.321(c) or 1.321(d) may be used to overcome an actual or provisional rejection based on a nonstatutory double patenting ground provided the conflicting application or patent either is shown to be commonly owned with this application, or claims an invention made as a result of activities undertaken within the scope of a joint research agreement.

Effective January 1, 1994, a registered attorney or agent of record may sign a terminal disclaimer. A terminal disclaimer signed by the assignee must fully comply with 37 CFR 3.73(b).

2. Claims 8-12 are rejected on the ground of nonstatutory obviousness-type double patenting as being unpatentable over claims 1-5 of U.S. Patent No. 6,707,450. Although the conflicting claims are not identical, they are not patentably distinct from each other because they are similar to each other. The representative claim 5 of the US Patent No. 6,707,450 and the representative claim 12 of the instant application are compared as follow:

Claim 5 of US Patent No. 6,707,450	Claim 12 of the instant application
5. An improved method for manufacturing a flat panel display with a touch panel integrally formed therein by bonding one face of a polarizer to a lower sheet of said touch panel,	12. An improved method for manufacturing a flat panel display with a touch panel integrally formed therein by bonding one face of a polarizer to a lower sheet of said touch panel,

forming a laminate structure of said touch panel with said polarizer integrally formed therein, and bonding the opposite face of said polarizer of said touch panel with said polarizer integrally formed therein to an upper glass sheet of a liquid crystal display device, the improvement comprising the steps of:	forming a laminate structure of said touch panel with said polarizer integrally formed therein, and bonding the opposite face of said polarizer of said touch panel with said polarizer integrally formed therein to an upper glass sheet of a liquid crystal display device, the improvement comprising the steps of:
forming dot spacers on a transparent conductive film of said lower sheet and bonding upper and lower substrates of said touch panel with transparent conductive films of upper and lower sheets facing each other;	forming dot spacers on a transparent conductive film of said lower sheet and bonding upper and lower substrates of said touch panel with transparent conductive films of upper and lower sheets facing each other;
bonding said lower sheet of said touch panel to an adhesive layer formed on one face of said polarizer ; and	bonding said lower sheet of said touch panel to an adhesive layer formed on said polarizer ; and
bonding said upper glass sheet of said liquid crystal display device to an adhesive layer formed on the opposite face of said polarizer bonded with said lower sheet.	bonding said upper glass sheet of said liquid crystal display device to another adhesive layer formed on another face of said polarizer bonded with said lower sheet.

From the comparison above, it is noted that claim 12 of the instant application is very similar to claim 5. For example, claim 5 defines that the adhesive layer is formed on one face of the polarizer and claim 12 only defines that the adhesive layer is formed on the polarizer. Furthermore, claim 5 defines “an adhesive layer formed on the opposite face of the polarizer and claim 12 defines that another adhesive layer formed on another face of the polarizer. Claim 12 is very similar to claim 5 and they are just using different wording.

Claim Rejections - 35 USC § 102

3. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

4. Claims 8 and 9 are rejected under 35 U.S.C. 102(b) as being anticipated by applicant's admitted prior art as shown in Fig. 5.

As to claim 8, the admitted prior art (Fig. 5) shows touch panel with integrally formed polarizer, having a touch panel with an upper substrate (20) having an upper sheet (21) and a transparent conductive film (22) formed below said upper sheet (21), a lower substrate (30) having a transparent conductive film (22) and a lower sheet (23) formed below said transparent conductive film (22), dot spacers (50) for insulating said upper and lower substrates (20, 30) from each other, and electrodes for applying voltage to a resistive film disposed between said upper and lower sheets (see the background description in col. 1, line 63 to col. 2, line 14); and a polarizer (90) bonded to said lower sheet (23) of said touch panel for converting visual light to

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linearly polarized light, the improvement comprising: said dot spacers (50) formed so that said upper and lower substrates(20, 30) are laminated together; said polarizer (60) having an upper base (61), an optical film base (62) and a lower base (63); an adhesive layer (90) provided on said upper and lower bases of said polarizer.

As to claim 9, the admitted prior art (Fig. 5) shows that the adhesive layer (90) of said polarizer is formed as an entirely deposited face having a constant thickness so that said polarizer (60) is entirely covered with said adhesive layer.

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to XIAO M. WU whose telephone number is 571-272-7761. The examiner can normally be reached on 6:30 am to 4:00 pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, RICHARD HJERPE, can be reached on 571-272-7691. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

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x.w.
March 17, 2006

A handwritten signature in black ink, appearing to read 'Xiao M. Wu', with a stylized, cursive script.

XIAO M. WU
Primary Examiner
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